

PHILADELPHIA  
ATLANTA  
CHARLOTTE  
CHERRY HILL  
CHICAGO  
DALLAS  
DENVER  
HOUSTON  
LAS VEGAS  
LONDON  
LOS ANGELES



NEWARK  
NEW YORK  
SAN DIEGO  
SAN FRANCISCO  
SEATTLE  
TRENTON  
WASHINGTON, DC  
WEST CONSHOHOCKEN  
WICHITA  
WILMINGTON

A PROFESSIONAL CORPORATION

SUITE 1400 CHASE MANHATTAN CENTRE 1201 NORTH MARKET STREET WILMINGTON, DE 19801-1147  
302.295.2000 888.207.2440 302.295.2013 FAX [www.cozen.com](http://www.cozen.com)

April 13, 2005

VIA ECF

**David A. Felice**  
Direct Phone 302.295.2011  
Direct Fax 866.776.8911  
[dfelice@cozen.com](mailto:dfelice@cozen.com)

The Honorable Gregory M. Sleet  
c/o Clerk of the Court  
United States District Court  
844 North King Street  
Lockbox 19  
Wilmington, DE 19801

**Re: *Marvel v. Prison Industries*, C.A. No. 99-113-GMS**

Dear Judge Sleet:

I write concerning the Minute Entry for the status conference held before Your Honor on April 12, 2005. In that entry, Your Honor referenced my client's suit filed against the Delaware Department of Correction in the Delaware Superior Court. I enclose a courtesy copy of the Complaint in that matter. In the Complaint, Mr. Marvel asserts only one state law claim against the Department of Correction, alone. The Complaint does not assert a cause of action against any of the individual defendants presently before this Court in the captioned matter.

I would like to stress for Your Honor that this filing was necessitated by the State's unwillingness to have my client's case against the Department of Correction adjudicated in federal court. It is based on the State's refusal to have the parties' disputes adjudicated in one, efficient proceeding that the State court filing was required. Moreover, the State court action will only act to adjudicate the Department of Correction's culpability for Mr. Marvel's injuries and will not directly implicate the individual defendants' liability for compensating Mr. Marvel for his injuries.

In summary, while the underlying factual predicate for the State court action is the same as the captioned matter, any adjudication of the parties' rights under that action will be entirely different from the captioned matter.

A final redress of Mr. Marvel's grievances against the individual defendants should not be further delayed by the State's unwillingness to have the entire matter heard before one court. Indeed, Plaintiff desires that the case be heard before this Court, given the advanced stage of the parties' litigation efforts to date.

The Honorable Gregory M. Sleet  
April 13, 2005  
Page 2

---

As always, should Your Honor have any questions or concerns about this matter, counsel is available at Your Honor's convenience.

Respectfully,



David A. Felice

DAF/sjr  
Attachments

cc: Richard W. Hubbard, Esq. (*via ECF*)  
Edward C. Gill, Esq. (*via ECF*)  
Larry D. Marvel (*via first class mail, w/o attachments*)